

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

FERGUSON-KUBLY INDUSTRIAL SERVICES, INC.,

Plaintiff,

V.

CASE NUMBER: **05-C-1208**

CIRCLE ENVIRONMENTAL, INC.,

Defendant.

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that declaratory judgment is entered in favor of the plaintiff Ferguson-Kubly Industrial Services, Inc. as follows:

- (1) the Wisconsin Fair Dealership Law applies in resolving the rights and obligations of the parties under the parties' Exclusive License Agreement as it pertains to the legality of defendant Circle Environmental, Inc.'s proposed termination of Ferguson-Kubly Industrial Services, Inc.'s dealership;
- (2) the Exclusive License Agreement's choice-of-law provision applying South Carolina law is invalid and unenforceable under Wisconsin law;
- (3) the appointment of an arbitrator licensed to practice law in Wisconsin is not required to ensure that the Wisconsin Fair Dealership Law is applied knowledgeably

and competently in resolving the parties' dispute.

Circle Environmental, Inc. is enjoined from terminating its dealership with Ferguson-Kubly Industrial Services, Inc. until the arbitrator(s) in the pending arbitration between the parties rules on Ferguson-Kubly Industrial Services, Inc.'s requests for injunctive relief.

Circle Environmental, Inc. is not enjoined from contacting Ferguson-Kubly Industrial Service, Inc.'s customers.

This action is hereby DISMISSED.

February 14, 2006
Date

SOFRON B. NEDILSKY
Clerk

s/ Linda M. Zik
(By) Deputy Clerk

Approved as to form:

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge

February 14, 2006
Date